| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/686,240 | 10/15/2003 | Christopher J. C. Burges | MS1-1674US | 7597 |

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| EXAMINER |
|---|
| THOMAS, JASON M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2623 | |

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|---|---|
| 08/20/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
|---|---|---|
| | 10/686,240 | BURGES ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | Jason Thomas | 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _11 April 2008_.
2a) ☐ This action is **FINAL**.     2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-3,6-13,15,16 and 21-27_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-3,6-13,15,16 and 21-27_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _15 October 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All    b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail. Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Allowable Subject Matter*

1.  The indicated allowability of claims 4 and 14 are withdrawn in view of the newly

    discovered reference Geshwind, U.S. Patent No. 7,080,392 B1.  Rejections based

    on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 101*

    35 U.S.C. 101 reads as follows:

    Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
    matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
    conditions and requirements of this title.

2.  Claims 1-3, 6-13, 15, 16 and 21 are rejected under 35 U.S.C. 101 because the

    claimed invention is directed to non-statutory subject matter.  In light of applicant's

    specification: pg. 34, para. 81, a "processor-readable medium" could be identified as

    communication media, which includes data in a modulated data signal such as a

    carrier wave or other transport mechanism and any information delivery media. As

    such, this definition does not fall within one of the statutory classes.

### *Claim Rejections - 35 USC § 103*

    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

    (a) A patent may not be obtained though the invention is not identically disclosed or described as set
    forth in section 102 of this title, if the differences between the subject matter sought to be patented and
    the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

3.  Claims 1, 2, 7, 9, 10, 12, 13, 15, 16, 21, 22, 25 and 27 are rejected under 35

U.S.C. 103(a) as being unpatentable over Kanevsky et al., U.S. Patent No.

6,434,520 B1 (hereinafter Kanevsky) in view of Geshwind, U.S. Patent No.

7,080,392 B1 (hereinafter Geshwind).

**Regarding claims 1 and 21:** Kanevsky discloses a processor-readable

medium comprising processor-executable instructions and a system for

executing those instructions (see [abstract], [col. 2, ll. 28-35] for a program

tangibly embodied on a program storage device and system for executing said

program) configured for: receiving a request for information regarding a media

object (see [figure 3 no. 301 and 302], [figure 4a], [col. 1, ll. 57-60], [col. 8, ll. 49-

61], [col. 9, ll. 4-9] for user queries used to index information media objects);

inferring the information from repeat instances of media objects ([col. 9, ll. 34-46],

[col. 10, ll. 10-24] for identifying matching (repeating) media segments that have

similar or matching voiceprints) occurring within one or more media streams (see

[col. 2, ll. 57-66] for identification in multiple media streams; see also [col. 1, ll.

17-27], [col. 1, ll. 61 through col. 2, ll. 4], [col. 2, ll. 60 through col. 3, ll. 4] for

multiple media sources such as, radio, television, video, telephone, and data

streams from which media objects can occur, etc.); and returning the information

(see [col. 2, ll. 1-4], [col. 9, ll. 4-9] for retrieving/ obtaining audio segments

resulting from the search) but is silent regarding wherein the inferring comprises

comparing temporal lengths of repeat instances of the media object with one

another to determine different versions of the media object, the different versions
of the media object selected from the group comprising: a longest version of the
media object; a number of longer versions of the media object; a shortest version
of the media object; and a number of shorter versions of the media object.

Geshwind teaches a system and method of organizing media to produce a
selected subset of data for the user. This subset is organized by producing levels
of abstraction such that a longest version of a media object (referred to herein as
a "full program") and a shortest version of a media object (referred to herein as a
"highlight") are available for viewing. Geshwind also teaches where the longest
version includes a portion of another selectable media object where said
selectable media object is temporally shorter (see [abstract], [col. 4, ll. 24-38],
[col. 4, ll. 46-48], [col. 6, ll. 1-32], [col. 7, ll. 51-60], [col. 15, ll. 57-64], [col. 16, ll.
9-13], [col. 23, ll. 56-61]).

At the time the invention was made, it would have been obvious to one of
ordinary skill in the art to provide a means to select different temporal length
versions of a media object, as taught in Geshwind, when providing a system
capable of searching for and making available repeat instances of media objects,
as taught in Kanevsky, because the user may only want to hear a specific
temporal length or summarized version of media (see [col. 2, ll. 33-36], [col. 5, ll.
63-66]).

**Regarding claims 2 and 22:** Kanevsky discloses wherein the inferring
comprises searching a database for the information (see [col. 1, ll. 7-15], [col. 1,

ll. 57 through col. 2, ll. 4], [col. 9, ll. 4-9] for searching a database), the database

including media objects and records of repeat instances of the media objects

(see [col. 9, ll. 34-46], [col. 10, ll. 10-24] for storing media objects and matching

(repeat) segments that have been archived and are available for retrieval).

  **Regarding claims 7 and 25:** Kanevsky discloses wherein the inferring

comprises matching a key word from the request with metadata extracted from a

media object (see [col. 7, ll. 22-26], [col. 8, ll. 49-52], [col. 8, ll. 61-66], [col. 10, ll.

50-53] for matching associated identity tags).

  **Regarding claims 9 and 27:** Kanevsky discloses wherein the inferring

comprises limiting returned media object based on constraints contained within

the request (see [col. 5, ll. 2-12], [col. 7, ll. 60-67], [col. 10, ll. 2-9] where the

search can be limited to "N" best lists as defined by the requester).

  **Regarding claim 10:** Kanevsky discloses wherein the inferring comprises

identifying temporal endpoints of each repeat instance of the media object (see

[col. 9, ll. 40-46], [col. 10, ll. 16-20] for storing matching (repeating) segments;

see also [col. 3, ll. 19-29] where the start and end times are identified for all

segments).

  **Regarding claim 12:** Kanevsky discloses including the use of a computer

comprising the processor-readable medium (see [col. 2, ll. 28-56] for using a

computer platform where a computer is inherently capable of acting as a server

or client computer).

**Regarding claim 13:** Kanevsky discloses a processor-readable medium comprising processor-executable instructions (see [col. 2, ll. 28-56]) configured for: receiving user input regarding a media object (see [col. 1, ll. 57 through col. 2, ll. 4], [col. 8, ll. 49-66] for receiving a user input for searching media segments); sending a request for an additional media object based on the user input (see [col. 8, ll. 49-66] processing the input query and searching as a result); receiving the additional media object (see [col. 9, ll. 2-9] for obtaining audio segments as a result of the search); and rendering the additional media object (see [col. 3, ll. 12-29] for processing (rendering) audio data segments) but does not teach wherein the user input comprises a request for information that specifies information items selected from the group comprising: a current media station delivering the media object; an identifier of the media object; a command to retrieve a number of media objects that each include a portion of the media object; a command to retrieve a longest media object that includes a portion of the media object; a command to retrieve a number of related media objects; a command to retrieve a number of most popular media objects; a command to search across like media stations; and a command to search across all media stations.

Geshwind teaches a system and method of organizing media to produce a selected subset of data for the user. This subset is organized by producing levels of abstraction such that a longest version of a media object (referred to herein as a "full program") and a shortest version of a media object (referred to herein as a

"highlight") are available for viewing. Geshwind also teaches where the longest

version (the most comprehensive) and each shorter version, with respect to the

longest version, may include a portion of a selectable media object where said

selectable media object is temporally shorter than the longer media version (see

[abstract], [col. 4, ll. 24-38], [col. 4, ll. 46-48], [col. 6, ll. 1-32], [col. 7, ll. 51-60],

[col. 15, ll. 57-64], [col. 16, ll. 9-13], [col. 23, ll. 56-61]). Geshwind also teaches

using identifiers (such as keywords generated using voice recognition) for the

selection of media objects (see [col. 37, ll. 10-19]).

At the time the invention was made, it would have been obvious to one of

ordinary skill in the art to provide a means to select subsets based on media

object identifiers, a longest media object which contains portions of a particular

media object (such as a full program) or even a number of media objects which

contain a portion of a particular media object (i.e. where levels 1-9 include the

highlights of level 10), as taught in Geshwind, when providing a system capable

of searching for and making available repeat instances of media objects, as

taught in Kanevsky, because the user may only want to hear a specific temporal

length or differing summarized versions of media ranging from a full account to a

highlights summary (see [col. 2, ll. 33-36], [col. 5, ll. 63-66]).

**Regarding claim 15:** Kanevsky discloses a processor-readable medium

comprising further processor-executable instructions configured for rendering a

media stream that includes the media object (see [col. 3, ll. 12-29] for processing

(rendering) the audio data as it streams to determine the desired locations in the stream to be segmented).

**Regarding claim 16:** Kanevsky discloses including the use of a computer comprising the processor-readable medium (see [col. 2, ll. 28-56] for using a computer platform where a computer is inherently capable of acting as a server or client computer).

4. Claims 3, 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky in view of Geshwind and Ellis et al., U.S. Patent No. 5,436,653 (hereinafter Ellis).

**Regarding claims 3 and 23:** Kanevsky discloses wherein the inferring comprises: identifying the repeat instances (see [col. 9, ll. 34-46] for identifying matching segments); and storing records of the repeat instances in a database (see [col. 10, ll. 16-20] for storing matching segments for later retrieval).

Kanevsky however does not explicitly teach wherein the inferring comprises the monitoring of one or more media streams.

Ellis however teaches a system for monitoring more than one broadcast signal (media stream) (see [fig. 1], [col. 8, ll. 35-36], [col. 9, ll. 14-17] where fig. 1 is described to depict the monitoring of multiple media streams).

At the time the invention was made it would have been obvious, to one of ordinary skill in the art, to monitor more than one broadcast signal, as taught in Ellis, to infer matching (repeating) media objects, as taught in Kanevsky,

because doing such increase the scope of searchable media thus improving the breadth of searchable information and system efficiency (see [col. 4, ll. 9-13]).

**Regarding claim 11:** Kanevsky discloses wherein the identifying is based on an identifier included in the request, the identifier selected from the group comprising: a finger print of the media object (see [col. 9, ll. 30-40] for using a voiceprint/ selected segment to retrieve a segment having similar acoustic information); and channel code associated with the media object (see [col. 10, ll. 50-53] for performing a search with a particular channel).

Kanevsky does not explicitly teach identifying based on an identifier comprising a time stamp.

Ellis teaches identifying known broadcast segments by time (see [col. 9, ll. 59-61]).

At the time the invention was made it would have been obvious, to one of ordinary skill in the art, to use an identifier with a time stamp, as taught in Ellis, to identify segments for retrieval, as taught in Kanevsky, because this is desirable information used to maintain a record of segment occurrences (see [col. 9, ll. 56-67]).

5. Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky in view of Geshwind and Schultz U.S. Patent No. 5,737,734 (hereinafter Schultz).

**Regarding claims 6 and 24:** Kanevsky discloses determining a number of related media objects (see [col. 9, ll. 34-46] where multiple matching segments

are identified; see also [col. 7, ll. 63-67] where each unique segment is identified
and given an ID tag such that the N-best list is generated where N represents a
number of the best matching segments).

Kanevsky does not explicitly teach wherein said related media objects
occur within a close temporal proximity of the media object with a higher
frequency of repeat instances relative to one another.

Shultz however teaches where media objects occur in an order of
relevance such that the objects most relevant to the query topic are positioned in
a manner relative to one another so they can be readily identified by the user
(see [col. 1, ll. 38-55], [col. 2, ll. 57-67]).

At the time the invention was made it would have been obvious, to one of
ordinary skill in the art, to combine the feature of allowing a user to query and
retrieve a list of files relevant to the query topic in a manner readily identifiable by
the user, as taught in Shultz, with providing the ability to number the resulting
matching segments, as taught in Kanevsky, because this would allow the user to
readily identify media files most relevant to the query topic (see [col. 1, ll. 50-55]).

6.  Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Kanevsky in view of Geshwind and Bolle et al., U.S. Patent No. 6,675,174 B1
(hereinafter Bolle).

**Regarding claims 8 and 26:** Kanevsky discloses all of the prior
limitations but does not teach wherein the inferring comprises limiting returned
media objects based on constraints contained within the request.

Bolle however teaches where a search engine requests information (operates) on a target media stream and returns (produces) a report including the data and time information documenting when each unique media event started and ended.

At the time the invention was made it would have been obvious, to one of ordinary skill in the art, that the date and time information retrieved from the target media stream, as taught in Bolle, could be used in a search, as taught in Kanevsky (see [col. 10, ll. 50-62]), because additional search criteria would allow the user to further limit their search.

## *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Wang et al., U.S. Pre- Grant Pub. No. 2002/0083060 A1 – for creating fingerprints to identify matching audio signals.
- Hirzalla et al., U.S. Pat. No. 6,633,651 B1 – for creating digital signatures to identify matching video sequences.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.  Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623